

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

IN RE: NATIONAL COLLEGIATE) Docket No. 13 C 9116
ATHLETIC ASSOCIATION STUDENT-)
ATHLETE CONCUSSION INJURY) Chicago, Illinois
LITIGATION,) October 5, 2017
) 10:00 o'clock a.m.

TRANSCRIPT OF PROCEEDINGS - STATUS
BEFORE THE HONORABLE JOHN Z. LEE

APPEARANCES:

For the Plaintiffs:

HAGENS BERMAN SOBOL SHAPIRO, by
MS. ELIZABETH A. FEGAN
455 North Cityfront Plaza Drive
NBC Tower - Suite 2410
Chicago, Illinois 60611

HAGENS BERMAN SOBOL SHAPIRO, by
MR. STEVE W. BERMAN
1918 8th Avenue
Suite 3300
Seattle, Washington 98101
(appearing telephonically)

SIPRUT PC, by
MR. TODD LAWRENCE McLAWHORN
17 North State Street
Suite 1600
Chicago, Illinois 60602

For Defendant NCAA:

LATHAM & WATKINS, by
MR. MARK STEVEN MESTER
MR. MARC B. KLEIN
330 North Wabash Avenue
Suite 2800
Chicago, Illinois 60611

ALEXANDRA ROTH, CSR, RPR
Official Court Reporter
219 South Dearborn Street
Room 1224
Chicago, Illinois 60604
(312) 408-5038

1 (Proceedings had in open court:)

2 THE CLERK: 13 C 9116, NCAA Student-Athlete Concussion
3 Injury Litigation.

4 MS. FEGAN: Good morning, your Honor. Elizabeth Fegan
5 on behalf of the plaintiffs. And I also have my partner Steve
6 Berman on the phone. And we have Rachel Christman from
7 Gilardi, our notice administrator, on the phone also.

8 MR. McLAWHORN: Todd McLawhorn also on behalf of
9 plaintiffs.

10 MR. MESTER: Good morning, your Honor. Mark Mester
11 and Marc Klein on behalf of the NCAA.

12 THE COURT: Good morning. So where do we stand at
13 this point with regard to notice?

14 MS. FEGAN: Your Honor, notice has been completed.
15 The notice administrator filed a -- or we filed on their behalf
16 a declaration on Friday. Notice has gone out to more than
17 4 million unique class members. That includes about
18 3.8 million postcards and 1.8 million e-mails. And some of
19 that, class members got both in some instances. And we
20 received 1,700 -- or 1,760 requests for exclusion and about 21
21 objections.

22 So we believe at this point that the notice period has
23 been properly closed. We have responded to the objections.
24 Requests for exclusion have been filed with the Court. And we
25 are ready for the final approval hearing in November.

1 THE COURT: Okay. Anything to add from the defendant?

2 MR. MESTER: No, your Honor.

3 THE COURT: All right. Anything to add from anyone on
4 the phone?

5 MR. BERMAN: No, your Honor.

6 THE COURT: Okay. Very good. I am glad to hear that
7 we have finally completed the notice. I know that it's been
8 yeoman's work trying to get all the addresses and what not.

9 I would note that anecdotally it seems to be effective
10 because a number of people -- a number of judges actually have
11 received notices and I'm getting e-mails from judges saying,
12 hey, I received this notice from the NCAA. Is that your case?
13 And so just anecdotally I know that people have been receiving
14 those postcards.

15 And as I discussed previously, it was really important
16 to make sure that we provided as much kind of different ways of
17 people to obtain -- receive notice, given the breadth of the
18 class. So, again, I am glad that we were able to do that, and
19 I appreciate all the work that the parties have put into this
20 and all the work that the various NCAA-affiliated institutions
21 have put into this to make sure that the direct notice program
22 can be successful.

23 All right. So unless there is anything else, then we
24 will see you at the final approval hearing.

25 MR. MESTER: Your Honor, just one point. We obviously

1 just got these materials late Friday. I don't foresee there
2 being an issue, but I have not yet had an opportunity to
3 confirm with the NCAA with regard to the opt-out limit. So
4 that's a conversation I need to have, and I haven't had that
5 yet. Just wanted to let the Court know.

6 THE COURT: I understand. I take it that to the
7 extent you are going to have that conversation, you can do it
8 soon?

9 MR. MESTER: Very soon, your Honor.

10 THE COURT: Like in the next couple weeks?

11 MR. MESTER: Next couple days, your Honor. We have 14
12 days under the agreement.

13 THE COURT: Okay. Very good. Thank you.

14 MS. FEGAN: Thank you.

15 (Which were all the proceedings heard in this case.)

16 CERTIFICATE

17 I HEREBY CERTIFY that the foregoing is a true, correct
18 and complete transcript of the proceedings had at the hearing
19 of the aforementioned cause on the day and date hereof.

20

21 /s/Alexandra Roth

10/11/2017

22 _____
23 Official Court Reporter
24 U.S. District Court
25 Northern District of Illinois
Eastern Division

Date